



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,373	08/26/2005	Kazushige Ohno	264052US90PCT	8914
22850	7590	02/14/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GREENE, JASON M	
			ART UNIT	PAPER NUMBER
			1797	
			NOTIFICATION DATE	DELIVERY MODE
			02/14/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/518,373	Applicant(s) OHNO ET AL.	
	Examiner Jason M. Greene	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date | 6) <input type="checkbox"/> Other: ____. |

3/8/05;12/30/05;1/18/06;7/13/06;9/20/06;11/30/06;2/20/07;5/30/07;2/1/08.

DETAILED ACTION***Drawings***

1. The drawings are objected to under 37 CFR 1.84(p)(1) because the view numbers (i.e. "Fig. 2") of Figures 2, 3 and 7 are not oriented in the same direction (i.e. portrait instead of landscape) as the view. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 1797

2. Figures 4 and 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishihara et al. (US 6,764,527 B2).

Art Unit: 1797

Ishihara et al. discloses a pillar-shaped honeycomb structural body (1,6) having a structure in which a plurality of through holes are placed in parallel with one another in the length direction with a partition wall interposed therebetween, wherein lamination members (21,10,22 or 41,31,42,32,43,33,44 or 61-63) are laminated in the length direction so that the through holes are superposed on one another, and one of the ends of each through hole is completely or at least partially sealed, such that the honeycomb structural body functions as a filter and all the lamination members are mainly made of metal (see col. 3, lines 44-54), wherein a catalyst is supported on the lamination members (see col. 6, lines 38-42), wherein the lamination members have different shapes or sizes of the through holes so that the through holes are superposed on one another and a surface of the partition wall has an irregularity in Figs. 1-11 and col. 3, line 44 to col. 9, line 15.

5. Claims 1, 5-6, as they depend from claim 1, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Otsubo et al. (US 7,090,714 B2).

Otsubo et al. discloses a pillar-shaped honeycomb structural body (10) having a structure in which a plurality of through holes are placed in parallel with one another in the length direction with a partition wall interposed therebetween, wherein lamination members (11-14) are laminated in the length direction so that the through holes are superposed on one another, and one of the ends of each through hole sealed, wherein a catalyst is supported on the lamination members (see col. 9, lines 48-52), and wherein the honeycomb structural body functions as

Art Unit: 1797

a filter for an exhaust gas purifying device, wherein the lamination members have different shapes or sizes of the through holes so that the through holes are superposed on one another and a surface of the partition wall has an irregularity in Figs. 1, 2 and 9 and col. 5, line 34 to col. 10, line 20.

6. Claims 2, 3, 5, as it depends from claim 2, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohashi et al. (US 5,514,347).

Ohashi et al. discloses a pillar-shaped honeycomb structural body (40) having a structure in which a plurality of through holes are placed in parallel with one another in the length direction with a partition wall interposed therebetween, wherein lamination members (41-43) are laminated in the length direction so that the through holes are superposed on one another, wherein all the lamination members are mainly made of metal, wherein a catalyst is supported on the lamination members, and wherein the lamination members have different shapes or sizes of the through holes so that the through holes are superposed on one another and a surface of the partition wall has an irregularity in Figs. 1-6 and col. 4, line 58 to col. 10, line 21.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

Art Unit: 1797

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-4, 5-6, as they depend from claim 2, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsubo et al. (US 7,090,714 B2) in view of Ohashi et al. (US 5,514,347) or Usui et al. (US 5,026,611).

Otsubo et al. differs from the claims in that it does not recite the lamination members being made of metal, but Ohashi et al. teaches a similar honeycomb structural body being made of metal in col. 7, lines 58-67 and Usui et al. discloses forming a honeycomb structural body from metal in col. 2, lines 10-39.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the metal material of Ohashi et al. or Usui et al. into the honeycomb structural body of Otsubo et al. due to its high mechanical strength and thermal stability, as suggested by Ohashi et al. in col. 7, lines 58-67 and Usui et al. in col. 2, lines 10-39.

9. Claims 1, 5-6, as they depend from claim 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application Publication JP 8-12460 in view of Otsubo et al. (US 7,090,714 B2).

JP 8-12460 discloses a pillar-shaped honeycomb structural body (1) having a structure in which a plurality of through holes are placed in parallel with one another in the length direction with a partition wall interposed therebetween, wherein lamination members are laminated in the length direction so that the

Art Unit: 1797

through holes are superposed on one another, wherein a catalyst is supported on the lamination members, wherein the lamination members have different shapes or sizes of the through holes so that the through holes are superposed on one another and a surface of the partition wall has an irregularity in Figs. 1-6, the English language abstract and paragraphs [0001] to [0127] of the English language machine translation.

JP 8-12460 does not disclose one of the ends of each through hole being sealed, wherein the honeycomb structural body functions as a filter for an exhaust gas purifying device, but Otsubo et al. teaches a similar honeycomb structural body wherein each through hole is sealed at one end in Figs. 1, 2 and 9 and col. 5, line 34 to col. 10, line 20.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the through hole sealing of Otsubo et al. into the honeycomb structural body of JP 8-12460 to allow it to collect and trap particulates contained in the exhaust gas, as suggested by Otsubo et al. in Figs. 1, 2 and 9 and col. 5, line 34 to col. 10, line 20.

10. Claims 2, 5-6, as they depend from claim 2, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application Publication JP 8-12460 in view of Ohashi et al. (US 5,514,347) or Usui et al. (US 5,026,611).

JP 8-12460 differs from the claims in that it does not recite the lamination members being made of metal, but Ohashi et al. teaches a similar honeycomb

Art Unit: 1797

structural body being made of metal in col. 7, lines 58-67 and Usui et al.

discloses forming a honeycomb structural body from metal in col. 2, lines 10-39.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the metal material of Ohashi et al. or Usui et al. into the honeycomb structural body of JP 8-12460 due to its high mechanical strength and thermal stability, as suggested by Ohashi et al. in col. 7, lines 58-67 and Usui et al. in col. 2, lines 10-39.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Suzuki et al. and Hervert et al. references disclose similar honeycomb structural bodies.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571) 272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1797

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason M. Greene
Primary Examiner
Art Unit 1797

/Jason M. Greene/
2/3/08

jmg
February 3, 2008